

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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LEIGH REED-PRATT,

Plaintiff,

v.

Case No. 20-12129

JANICE WINFREY,  
DETROIT ELECTION COMMISSION,  
and DETROIT DEPARTMENT OF ELECTIONS,

Defendants.

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**ORDER DENYING IN PART PLAINTIFF'S EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION,  
DIRECTING PLAINTIFF TO SERVE DEFENDANTS, AND SETTING A PRELIMINARY  
INJUNCTION HEARING**

Plaintiff Leigh Reed-Pratt brings this action for alleged violations of her procedural and substantive due process rights as well as criminal contempt under Michigan law. (ECF No. 1, PageID.4-20.) She alleges Defendants illegally mailed her (and others) an unsolicited absentee voter application. (*Id.*, PageID.6-7.)

Plaintiff has filed an "Emergency Motion for Temporary Restraining Order ["TRO"] or in the Alternative, Motion for Preliminary Injunction." (ECF No. 2.) She asks the court to enjoin Defendants from mailing unsolicited absentee voter applications for the November 2020 general election. (*Id.*, PageID.22.)

To obtain the extraordinary remedy of a TRO, Plaintiff must "clearly show that immediate and irreparable injury, loss, or damage will result . . . before [Defendants] can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Specifically, the court must consider four factors: "(1) [W]hether [Plaintiff] has a strong likelihood of success on the merits, (2)

whether [Plaintiff] would suffer irreparable injury absent a stay, (3) whether granting the [relief] would cause substantial harm to others, and (4) whether the public interest would be served by granting the [relief].” *Ohio Republican Party v. Brunner*, 543 F.3d 357, 361 (6th Cir. 2008) (quotation removed).

Upon review of the record, the court finds issuance of a TRO is not justified. Specifically, Plaintiff has not “clearly show[n]” that she will suffer “immediate and irreparable injury” if a TRO is not issued. Fed. R. Civ. P. 65(b)(1)(A). She allegedly received an absentee voter application on June 3, 2020. (ECF No. 1, PageID.6.) All of June and July passed, and a portion of August, before she requested “emergency” injunctive relief. Plaintiff provides at least some substantive evidence in the form of minutes of a meeting in May 2020, in which Defendant Winfrey appears to outline for the Election Commission her plan to mail absentee application forms for the duration of the COVID pandemic, and to pay for their return as well as the return of the absentee ballots themselves. (ECF 3-2, PageID.58-61.)

Ultimately, the court is not persuaded—at this early juncture—that Plaintiff has presented “a *strong* likelihood of success on the merits” sufficient to warrant the extreme remedy of a TRO, in claiming that Defendants violated Plaintiff’s right to due process by mailing her an absentee voter application. *Brunner*, 543 F.3d at 361 (emphasis added). Accordingly,

IT IS ORDERED that Plaintiff’s “Emergency Motion for Temporary Restraining Order or in the Alternative, Motion for Preliminary Injunction” (ECF No. 2) is DENIED IN PART. It is DENIED with respect to Plaintiff’s request for a TRO.

IT IS FURTHER ORDERED that Plaintiff is DIRECTED to serve Defendants with copies of the summons, complaint, Plaintiff's motion (ECF No. 2), and this order by **August 14, 2020.**

Finally, IT IS ORDERED that a hearing on Plaintiff's request for a preliminary injunction is set for **August 19, 2020 at 2:00 p.m.** Defendants' response to Plaintiff's request for a preliminary injunction must be filed by **August 17, 2020.**

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: August 11, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 11, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

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